

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

BLAKE J. WATTERSON;	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 4:23-cv-00080
	§	
BUREAU OF ALCOHOL, TOBACCO,	§	
FIREARMS AND EXPLOSIVES;	§	
	§	
STEVEN DETTELBACH, in his	§	
official capacity as Director of the	§	
Bureau of Alcohol, Tobacco, Firearms	§	
and Explosives;	§	
	§	
UNITED STATES DEPARTMENT	§	
OF JUSTICE;	§	
	§	
MERRICK GARLAND, in his official	§	
capacity as Attorney General of the	§	
United States;	§	
	§	
UNITED STATES OF AMERICA,	§	
	§	
<i>Defendants.</i>	§	

**[PROPOSED] ORDER ON PLAINTIFF’S MOTION FOR RELIEF UNDER  
5 U.S.C. § 705 OR, ALTERNATIVELY, FOR A PRELIMINARY INJUNCTION**

The Court, having considered Plaintiff’s Motion for Relief under 5 U.S.C. § 705 or, Alternatively, for a Preliminary Injunction and all briefing submitted in support of and in opposition to the motion, as well as the applicable law, concludes that the motion has merit and should be, and hereby is, GRANTED. Accordingly, IT IS ORDERED that:

1. The effective date of the challenged rule, *Factoring Criteria for Firearms with Attached “Stabilizing Braces,”* 88 Fed. Reg. 6,478 (Jan. 31, 2023)

(the “Final Rule”), is declared to be March 2, 2023, because Defendants lacked the statutory authority to make the Final Rule effective immediately on publication.

2. The effective date of the Final Rule is postponed until 60 days after the case is resolved on the merits.

IT IS SO ORDERED.